

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

JUSTIN UVELLE RANDALL

PETITIONER

VERSUS

CIVIL ACTION NO. 1:13-cv-431-HSO-RHW

STATE OF MISSISSIPPI, *et al.*

RESPONDENTS

**ORDER ADOPTING MAGISTRATE JUDGE'S PROPOSED
FINDINGS OF FACT AND RECOMMENDATION, DENYING PETITION
FOR WRIT OF HABEAS CORPUS, AND DISMISSING CASE**

This matter comes before the Court on the Proposed Findings of Fact and Recommendation [9] of United States Magistrate Judge Robert H. Walker, entered in this case on October 29, 2014. The Magistrate Judge reviewed Defendants' Motion to Dismiss [6] Petitioner Justin Uvelle Randall's Petition for Writ of Habeas Corpus [1] filed pursuant to 28 U.S.C. § 2254 and recommended that the Motion to Dismiss [6] be granted. Proposed Findings of Fact and Recommendation [9] at 3. The Magistrate Judge found that the Petition for Writ of Habeas Corpus [1] was either moot or fails to state a claim and recommended that the Petition [1] be dismissed. *Id.*

The Proposed Findings of Fact and Recommendation [9] were mailed to Petitioner on October 29, 2014. Any objection to the Magistrate Judge's Proposed Findings of Fact and Recommendation [9] was due within fourteen (14) days of service. L.U. Civ. R. 72(a)(3). To date, Petitioner has not filed any objection to the Magistrate Judge's Proposed Findings of Fact and Recommendation [9], and the time for doing so has passed.

Where no party has objected to the Magistrate Judge's proposed findings and fact and recommendation, the Court need not conduct a de novo review of it. 28 U.S.C. § 636(b)(1) ("a judge of the court shall make a de novo determination of those portions of the report or specified proposed findings and recommendations to which objection is made"). In such cases, the Court applies the "clearly erroneous, abuse of discretion and contrary to law" standard of review. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989).

Having conducted the required review, the Court concludes that the Magistrate Judge's findings are not clearly erroneous, nor are they an abuse of discretion or contrary to law. For the foregoing reasons, the Court will adopt the Magistrate Judge's Proposed Findings of Fact and Recommendation [9] as the opinion of this Court. Defendants' Motion to Dismiss [6] should be granted, Petitioner Justin Uvelle Randall's Petition for Writ of Habeas Corpus [1] filed pursuant to 28 U.S.C. § 2254 should be denied, and this civil action will be dismissed.

IT IS, THEREFORE, ORDERED AND ADJUDGED that, the Proposed Findings of Fact and Recommendation [9] of Magistrate Judge Robert H. Walker, entered on October 29, 2014, is adopted in its entirety as the finding of this Court.

IT IS, FURTHER, ORDERED AND ADJUDGED that, Petitioner Justin Uvelle Randall's Petition for Writ of Habeas Corpus [1], filed pursuant to 28 U.S.C. § 2254, is **DENIED**, and this civil action is **DISMISSED**. A separate judgment

in accordance with this Order will be entered, as required by Federal Rule of Civil Procedure 58.

SO ORDERED AND ADJUDGED, this the 19th day of November, 2014.

s/ Halil Suleyman Ozerden

HALIL SULEYMAN OZERDEN
UNITED STATES DISTRICT JUDGE